

# House Study Bill 230

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
JUDICIARY BILL BY  
CHAIRPERSON SWAIM)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to admissibility into evidence of medical records  
2 and bills in civil cases.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 2633HC 83  
5 rh/rj/14

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1 1 Section 1. NEW SECTION. 622.4 ADMISSIBILITY OF MEDICAL  
1 2 RECORDS AND BILLS.  
1 3 1. In a civil action in which a plaintiff claims that  
1 4 health care treatment was necessitated or will be necessitated  
1 5 by the events giving rise to the claim or in which the  
1 6 plaintiff is seeking medical, hospital, or disability  
1 7 benefits, any party may offer the records and billing  
1 8 statements of a care provider who provided such treatment, or  
1 9 portions thereof, into evidence. Such records may include  
1 10 letters or reports by the care provider, including those made  
1 11 in connection with the action, that include opinions by the  
1 12 care provider regarding the plaintiff's diagnosis, prognosis,  
1 13 impairment, causation, or future treatment needs and costs.  
1 14 2. A party intending to offer records or billing  
1 15 statements of a care provider into evidence pursuant to this  
1 16 section shall notify all parties of the party's intent to do  
1 17 so on or before the party's deadline to designate expert  
1 18 witnesses pursuant to court order or rule. The notice shall  
1 19 identify the records and billing statements, or portions  
1 20 thereof, that the party intends to offer. Not less than  
1 21 thirty days before trial, a party shall provide all other  
1 22 parties with copies of the records and billing statements, or  
1 23 portions thereof, that the party intends to offer in the  
1 24 exhibit form in which they will be offered. A party may  
1 25 include a cover page identifying the care provider, setting  
1 26 forth the dates of service, and summarizing the charges and  
1 27 payments therefor.  
1 28 3. a. A record or billing statement offered pursuant to  
1 29 this section is admissible without supporting evidence or  
1 30 testimony to identify or authenticate the record or billing  
1 31 statement and to establish that the record or billing  
1 32 statement is a record of a regularly conducted business  
1 33 activity.  
1 34 b. A record offered pursuant to this section is competent  
1 35 evidence to identify or authenticate a record of all of the  
2 1 following:  
2 2 (1) The existence and treatment of the plaintiff's  
2 3 medical, dental, or other health condition and that the  
2 4 treatment described in the record was reasonable and necessary  
2 5 to treat the conditions stated.  
2 6 (2) The opinions of the care provider as they relate to  
2 7 the diagnosis, prognosis, causation, and future treatment  
2 8 needs and costs of the plaintiff without additional supporting  
2 9 testimony.  
2 10 c. A billing statement offered pursuant to this section is  
2 11 competent evidence of the amount and reasonableness of the  
2 12 charges for the treatment or materials provided.  
2 13 4. This section shall not prohibit a party, including a  
2 14 party offering records or billing statements under this  
2 15 section, from objecting to the admissibility of records or  
2 16 billing statements or portions thereof, or from redacting  
2 17 information in such records or billing statements, on any  
2 18 other grounds. If the party offering records or billing

2 19 statements under this section has made any redactions thereto,  
2 20 the party shall notify all parties about the redactions at the  
2 21 time that the records or billing statements are provided in  
2 22 exhibit form. A party who objects to the form of a record or  
2 23 billing statement or to some or all of its content, or to  
2 24 redactions made thereto by the offering party, shall raise the  
2 25 objection with the court within ten days of service upon that  
2 26 party of the record or billing statement in exhibit form. If  
2 27 a party contests the authenticity or identification of a  
2 28 record or billing statement offered pursuant to this section,  
2 29 or claims that the offered record or billing statement was not  
2 30 made in the regular course of the business of the care  
2 31 provider, the burden shall be on the objecting party to prove  
2 32 such to the court.

2 33 5. This section shall not be construed to do any of the  
2 34 following:

2 35 a. Prohibit any party, including an offering party, from  
3 1 examining a care provider by deposition or at trial at that  
3 2 party's expense or from presenting supporting or contrary  
3 3 expert testimony.

3 4 b. Impose a duty upon a care provider to provide the care  
3 5 provider's opinions in letter or report form, except as  
3 6 otherwise required by law.

3 7 c. Alter the rights and limitations of a party or that  
3 8 party's legal counsel to communicate with a care provider  
3 9 pursuant to section 622.10.

3 10 d. Prohibit or alter the admissibility of records or  
3 11 billing statements that are otherwise admissible under the  
3 12 rules of evidence.

3 13 e. Change the timing of disclosure of expert opinions  
3 14 pursuant to court order or rule.

3 15 6. As used in this section, "care provider" means any  
3 16 physician or surgeon, physician assistant, advanced registered  
3 17 nurse practitioner, mental health professional, dentist,  
3 18 chiropractor, or other person who furnishes health care in the  
3 19 regular course of business.

3 20 7. This section does not apply to records or billing  
3 21 statements of a care provider retained by the plaintiff in  
3 22 anticipation of litigation or for trial unless those care  
3 23 providers have personally examined the plaintiff.

3 24 EXPLANATION

3 25 This bill relates to the admissibility of medical records  
3 26 and billing statements in civil cases.

3 27 The bill provides that in a civil action in which a  
3 28 plaintiff claims that health care treatment was necessitated  
3 29 or will be necessitated by the events giving rise to the claim  
3 30 or in which the plaintiff is seeking medical, hospital, or  
3 31 disability benefits, any party may offer the records and  
3 32 billing statements of a care provider who provided such  
3 33 treatment, or portions thereof, into evidence. Such records  
3 34 may include letters or reports by the care provider that  
3 35 include opinions by the care provider regarding the  
4 1 plaintiff's diagnosis, prognosis, impairment, causation, or  
4 2 future treatment needs and costs. The bill defines "care  
4 3 provider" as any physician or surgeon, physician assistant,  
4 4 advanced registered nurse practitioner, mental health  
4 5 professional, dentist, chiropractor, or other person who  
4 6 furnishes health care in the regular course of business.

4 7 The bill provides that a party intending to offer records  
4 8 or billing statements of a care provider into evidence shall  
4 9 notify all parties of the party's intent to do so on or before  
4 10 the party's deadline to designate expert witnesses pursuant to  
4 11 court order or rule. The notice shall identify the records  
4 12 and billing statements, or portions thereof, that the party  
4 13 intends to offer. Not less than 30 days before trial, the  
4 14 party shall provide all parties with copies of the records and  
4 15 billing statements, or portions thereof, that the party  
4 16 intends to offer in the exhibit form in which they will be  
4 17 offered. A party may include a cover page identifying the  
4 18 care provider, setting forth the dates of service, and  
4 19 summarizing the charges and payments.

4 20 The bill provides that a record or billing statement is  
4 21 admissible without supporting evidence or testimony to  
4 22 identify or authenticate the record or billing statement and  
4 23 to establish that the record or billing statement is a record  
4 24 of a regularly conducted business activity. A record that is  
4 25 offered is competent evidence to identify or authenticate a  
4 26 record of all of the existence and treatment of the  
4 27 plaintiff's medical, dental, or other health condition and  
4 28 that the treatment was reasonable and necessary to treat the  
4 29 conditions stated and the opinions of the care provider as

4 30 they relate to the diagnosis, prognosis, causation, and future  
4 31 treatment needs and costs of the plaintiff without additional  
4 32 supporting testimony. A billing statement that is offered is  
4 33 competent evidence of the amount and reasonableness of the  
4 34 charges for the treatment or materials provided.

4 35 The bill does not prohibit a party from objecting to the  
5 1 admissibility of records or statements or portions thereof, or  
5 2 from redacting information in such records or statements, on  
5 3 any other grounds. If the party offering records or billing  
5 4 statements has made any redactions, the party shall notify all  
5 5 parties about the redactions at the time that the records or  
5 6 billing statements are provided in exhibit form. A party who  
5 7 objects to the form of a record or billing statement or to  
5 8 some or all of its content, or to redactions made by the  
5 9 offering party, shall raise the objection with the court  
5 10 within 10 days of service upon that party of the record or  
5 11 billing statement in exhibit form. If a party contests the  
5 12 authenticity or identification of a record or billing  
5 13 statement offered pursuant to this section, or claims that the  
5 14 offered record or billing statement was not made in the  
5 15 regular course of the business of the care provider, the  
5 16 burden shall be on the objecting party to prove such to the  
5 17 court.

5 18 The bill does not prohibit any party from examining a care  
5 19 provider by deposition or at trial at that party's expense or  
5 20 from presenting supporting or contrary expert testimony, does  
5 21 not impose a duty upon a care provider to provide the care  
5 22 provider's opinions in letter or report form, does not alter  
5 23 the rights and limitations of a party or that party's legal  
5 24 counsel to communicate with a care provider pursuant to Code  
5 25 section 622.10, does not prohibit or alter the admissibility  
5 26 of records or billing statements otherwise admissible, and  
5 27 does not change the timing of disclosure of expert opinions  
5 28 pursuant to court order or rule.

5 29 The bill does not apply to records or billing statements of  
5 30 a care provider retained by the plaintiff in anticipation of  
5 31 litigation or for trial unless those care providers have  
5 32 personally examined the plaintiff.

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